

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 13 JAN 2006

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Applicant's or agent's file reference PU 030206		<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/US2004/021917		International filing date (day/month/year) 09.07.2004	Priority date (day/month/year) 21.07.2003	
International Patent Classification (IPC) or national classification and IPC H04N5/926				
Applicant THOMSON LICENSING S.A.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand  16.02.2005		Date of completion of this report  12.01.2006		
Name and mailing address of the International preliminary examining authority:  European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840		Authorized Officer  Dudley, C  Telephone No. +49 30 25901-462		



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### Box No. I Basis of the report

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

#### Description, Pages

1-8 as originally filed

#### Claims, Numbers

1-14 as originally filed

#### Drawings, Sheets

1/3-3/3 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- 
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-14
	No: Claims	
Inventive step (IS)	Yes: Claims	2, 3, 9, 10
	No: Claims	1, 4-8, 11-14
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

- 1.** The following documents are referred to in this communication:

D1 : US 6 031 960 A (FRANK LANE) 29 February 2000 (2000-02-29)

D2 : US 2002/054608 A1 (WAN ET AL) 9 May 2002 (2002-05-09)

- 2.** Document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

a method for modifying a stream of multimedia content to implement trick mode playback comprising:

setting a substitute program clock reference (PCR) value in the adaptation field to facilitate playback of the multimedia stream in accordance with a desired trick mode (column 3, lines 40-58).

The subject-matter of claim 1 differs from that known from D1 in that it also comprises the step of:

setting a discontinuity indicator in an adaptation field associated with a video frame.

~~The subject-matter of claim 1 is therefore considered to be new (Article 33(2) PCT).~~

- 3.** The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 8, which therefore is also considered to be new (Article 33(2) PCT).

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4. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

Document D1 is regarded as being the closest prior art to the subject-matter of claim 1 differs from that known from D1 as discussed above.

The problem to be solved by the present invention may therefore be regarded as one of how to indicate a discontinuity in the MPEG stream.

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) as it would be obvious to the skilled person to use the known discontinuity indicator shown, for example, in D2 (see paragraph 135 and figure 1a), for this purpose.

5. The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 8, which therefore is also considered not to be inventive (Article 33(3) PCT).
6. Claims 2-7 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty. Similarly, claims 9-14 are dependent on claim 8 and as such also meet the requirements of the PCT with respect to novelty (Article 33(2) PCT).
- ~~7. The combination of the features of dependent claims 2, 3, 9 and 10 is neither known from, nor rendered obvious by, the available prior art.~~
8. However, dependent claims 4-7 and 11-14 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (see documents D1 and D2, and the

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corresponding passages cited in the search report).